

APPEAL NO. 170283
FILED APRIL 10, 2017

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on December 29, 2016, in (city), Texas, with (hearing officer) presiding as hearing officer. The hearing officer resolved the disputed issues by deciding that: (1) the appellant (claimant) did not sustain a compensable injury on (date of injury); and (2) because the claimant did not sustain a compensable injury, he did not have disability beginning on August 15, 2016, and continuing through the date of the CCH. The claimant appealed, disputing the hearing officer's determinations of compensability and disability. The claimant contends the evidence demonstrated that the claimant sustained a compensable injury and had disability. The respondent (carrier) responded, urging affirmance of the disputed determinations.

DECISION

Affirmed as reformed.

The claimant testified that he felt pain in his right ankle after leaning forward in his chair to grip a valve and then "rocking" it from left to right. The hearing officer stated in her discussion of the evidence that the claimant did not meet his burden of proof to establish by a preponderance of the evidence that he sustained a compensable injury.

COMPENSABLE INJURY

The hearing officer's determination that the claimant did not sustain a compensable injury on (date of injury), is supported by sufficient evidence and is affirmed.

DISABILITY

The hearing officer's determination that because the claimant did not sustain a compensable injury, he did not have disability beginning on August 15, 2016, and continuing through the date of the CCH is supported by sufficient evidence and is affirmed.

DOCKET NUMBER

The claimant correctly points out in his appeal that the hearing officer has incorrectly listed the Docket Number for this case in her Decision and Order. We reform the Docket Number listed in the Decision and Order: (docket number) to correctly

identify the location of the CCH as being held in (city 1) rather than (city 2): (docket number).

FINDING OF FACT NO. 4

The hearing officer found in Finding of Fact No. 4 that the compensable injury was a cause of the claimant's inability to obtain and retain employment at wages equivalent to his pre-injury wage beginning on August 15, 2015, and continuing through the date of the hearing. As noted above, the hearing officer's determination that the claimant did not sustain a compensable injury has been affirmed. Additionally, we note that Finding of Fact No. 4 contains an incorrect date. Accordingly, we reform Finding of Fact No. 4 to read as follows: The claimed injury was a cause of the claimant's inability to obtain and retain employment at wages equivalent to his pre-injury wage beginning on August 15, 2016, and continuing through the date of the CCH.

SUMMARY

We affirm the hearing officer's determination that the claimant did not sustain a compensable injury on (date of injury).

We affirm the hearing officer's determination that because the claimant did not sustain a compensable injury, he did not have disability beginning on August 15, 2016, and continuing through the date of the CCH.

We reform the Docket Number as follows: (docket number).

We reform Finding of Fact No. 4 to read as follows: The claimed injury was a cause of the claimant's inability to obtain and retain employment at wages equivalent to his pre-injury wage beginning on August 15, 2016, and continuing through the date of the CCH.

The true corporate name of the insurance carrier is **TRAVELERS INDEMNITY COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE CO.
d/b/a CSC-LAWYERS INCORPORATING SERVICE CO.
211 EAST 7TH STREET, SUITE 620
AUSTIN, TEXAS 78701-3218.**

Margaret L. Turner
Appeals Judge

CONCUR:

K. Eugene Kraft
Appeals Judge

Carisa Space-Beam
Appeals Judge